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November 27, 2023

VIA ECF

The Honorable Katherine Polk Failla
United States District Court
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square, Room 2103
New York, NY 10007

MEMO ENDORSED

Re: *Huzhou Chuangtai Rongyuan Investment Management Partnership, et al. v. Hui Qin*, Case No. 21 Civ. 9221 (KPF) – **Petitioners’ Request for Leave to File Documents with Redactions and Under Seal**

Dear Judge Failla:

We write on behalf of Petitioners Huzhou Chuangtai Rongyuan Investment Management Partnership, Huzhou Huihengying Equity Investment Partnership, and Huzhou Huirongsheng Equity Investment Partnership (“Petitioners”) to request leave to file certain documents with redactions and certain documents under seal, pursuant to the parties’ Stipulated Protective Order dated January 3, 2023, Dkt. No. 92.

In conjunction with Petitioners’ Second Motion for Attorneys’ Fees and Costs (“Second Fee Motion”) filed contemporaneously herewith, Petitioners respectfully request to file their Memorandum of Law in Support of their Second Fee Motion (the “Memorandum of Law”) as well as the Declaration of Carol Lee in Support of their Second Fee Motion (“Lee Decl.”) with redactions pursuant to Rule 9(B) of Your Honor’s Individual Rules of Practice in Civil Cases. Petitioners respectfully request to file under seal the following exhibits to the Lee Decl. pursuant to Rule 9(C) of Your Honor’s Individual Rules of Practice in Civil Cases:¹

Exhibit	Description
A	Bank documentation of a payment received by Seiden Law LLP (“Seiden”), produced in this action with Bates-number SLG_000052 and designated Confidential

¹ Petitioners seek to file Exhibits A-BB under seal to be accessed by Your Honor and Respondent Hui Qin (“Qin”). Petitioners have kept certain items redacted in the sealed version of Lee Decl. Ex. Y. These items reflect the time entries for which Petitioners are not seeking an award. Lee Decl. Exs. A-G, K-N, and Q were originally produced to Petitioners with redactions.

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B	Bank documentation of a payment received by Seiden, produced in this action with Bates-number SLG_000054 and designated Confidential
C	Bank documentation of a payment received by Seiden, produced in this action with Bates-number SLG_000053 and designated Confidential
D	Bank documentation of a payment received by Seiden, produced in this action with Bates-number SLG_000086-87 and designated Confidential
E	An email Xintong Zhang to Qin (Karlqin5555@gmail.com) on April 13, 2022, and produced in this action with Bates-numbers Qin_00003824-3825 and designated Confidential – Attorneys Eyes Only
F	An email from Xintong Zhang to “H X” copying Amiad Kushner, Jennifer Blecher, and Qin, spanning the dates July 26, 2023 to August 2, 2023 with Bates numbers Qin_00006866-69 and designated Confidential – Attorneys Eyes Only
G	An email from Xintong Zhang to Alan Dershowitz on May 7, 2023 and produced in this action with Bates-numbers Qin_00007554-56 and designated Confidential – Attorneys Eyes Only
H	Bank statements for Qin’s Cathay Bank account from November 2022 to August 2023, and produced in this action with Bates-number Qin_00003602-3625 and designated Confidential
I	Bank statements for Qin’s JPMorgan Chase Bank account from December 2017 to December 2020, and produced in this action with Bates-number Qin_00002889-3030 and designated Confidential
J	A retainer agreement between Qin and Aidala, Bertuna & Kamins, P.C. (“Aidala”) dated September 1, 2023 attaching two wire transfer statements and bearing Bates-numbers ABK001-06 and designated Confidential
K	An invoice from Seiden to Qin, dated November 15, 2022, and produced in this action with Bates-numbers SLG_000018-22 and designated Confidential
L	Invoices from Seiden to Qin from January to June 2023, and produced in this action with Bates-numbers SLG_000033-51 and designated Confidential
M	An invoice from Seiden to Qin, dated August 31, 2023, and produced in this action with Bates-numbers SLG_000076-85 and designated Confidential
N	Deposits Xue & Associates, P.C. (“Xue Firm”) received between the dates April 1, 2020 and February 28, 2022, bearing Bates numbers XUE0000131 to XUE0000147, and designated Confidential
O	A check to the Xue Firm received from Hui Qin, dated February 24, 2021 and bearing Bates number XUE0000148 and designated Confidential
P	An engagement letter from YTL LLP, a Hong Kong law firm, to Qin on June 27, 2023, and produced in this action with Bates-number Qin_00003583-3585 and designated Confidential
Q	An email from Alan Dershowitz to Xintong Zhang copying Qin (Karlqin5555@gmail.com) and “xuhaohan1995@gmail.com” on May 12, 2023, and produced in this action with Bates-number Qin_00006717-6720 and designated Confidential – Attorneys Eyes Only

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R	An email from Citibank (Hong Kong) Ltd to Xintong Zhang on January 19, 2023, and produced in this action with Bates-number Qin_00003560 and designated Confidential
S	An email from Citi Bank (Singapore) Ltd to Qin on January 28, 2023, and produced in this action with Bates-number Qin_00003575-3576 and designated Confidential
T	An email from Standard Chartered Bank to Qin on February 1, 2023, and produced in this action with Bates-number Qin_00003577-3578 and designated Confidential
U	An email from Standard Chartered Bank to Xintong Zhang on January 20, 2023, and produced in this action with Bates-number Qin_00003580 and designated Confidential
V	Online pages displaying Xintong Zhang's enquiry for Qin's Citibank account on January 18, 2023, and produced in this action with Bates-number Qin_00003568-3570 and designated Confidential
W	An email from Geoffrey Sant to Amiad Kushner, Jennifer Blecher and Xintong Zhang dated November 3, 2023 containing the approximate amount of fees and costs Petitioners incurred in connection with the Renewed Contempt Motion
X	An email chain between Seiden and Pillsbury spanning the dates July 10 to September 13, 2023 containing specific amounts invoiced by Abell Eskew Laundau LLP in connection with legal services for Qin
Y	Petitioners' invoices incurred in connection with the Renewed Contempt Motion
Z	Petitioners' lodestar calculation
AA	Summary of primary timekeepers' experience and role in connection with the Renewed Contempt Motion, including rates charged
BB	Text messages from Citibank to Qin dated August 10, 2023 with Bates-number Qin_00008389 and designated Confidential – Attorneys Eyes Only

Pursuant to Rule 9 of Your Honor's Individual Rules of Practice in Civil Cases, a party seeking to file a document under seal must address the presumption in favor of public access to judicial documents. The Second Circuit set forth the relevant standard *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110 (2d Cir. 2006). Under *Lugosch*, “[t]here is a common law presumption in favor of permitting public access to judicial documents, which are those documents ‘relevant to the performance of the judicial function and useful in the judicial process.’” *GoSMiLE, Inc. v. Dr. Jonathan Levine, D.M.D. P.C.*, 769 F. Supp. 2d 630, 649 (S.D.N.Y. 2011) (quoting *Lugosch*, 435 F.3d at 119). A court balances this common law presumption of access against competing comparisons, including “the privacy interests of those resisting disclosure.” *Lugosch*, 435 F.3d at 120 (quoting *United States v. Amodeo*, 71 F.3d 1044, 1050 (2d Cir. 1995)). Thus, the issue is whether “the privacy interests of the defendants outweigh the presumption of public access.” *GoSMiLE*, 769 F. Supp. 2d at 649-50.

Here, the Memorandum of Law, the Lee Decl., and Exhibits A through BB each contain sensitive personal, business, and/or financial information, such as attorney rates and fees charged by Petitioners' counsel and Qin's counsel to their respective clients. They also contain sensitive

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financial information, such as regarding Qin's bank account information. Certain of these documents were also marked Confidential pursuant to the Stipulated Protective Order by Qin, Seiden Law LLP, and Aidala Bertuna & Kamins P.C. The parties' interest in protecting confidential information, specifically sensitive business information that pertains to their clients as well as Qin's personal information, overcomes the presumption of access. Indeed, Your Honor has previously granted Petitioners' request to file under seal certain exhibits to protect certain sensitive personal, business, and/or financial information, which was clearly visible. *See* Dkts. 112, 153, 170.

Because these documents contain confidential information of the kind that is deserving of protection and restricting public access, Petitioners respectfully request that the Court grant their request to redact the Memorandum of Law and the Lee Decl., and to file Lee Decl. Exhibits A through BB under seal.

Respectfully submitted,

/s/ Geoffrey Sant
Geoffrey Sant

cc: All counsel of record (via ECF)

Application GRANTED. The Clerk of Court is directed to maintain docket entries 327 and 329 under seal, viewable to the Court and parties only.

The Clerk of Court is further directed to terminate the pending motion at docket entry 324.

Dated: November 28, 2023
New York, New York

SO ORDERED.



HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE